



Indiana Judicial Nominating Commission

30 South Meridian Street, Suite 500
Indianapolis, IN 46204
(317) 232-4706

Application for the Indiana Supreme Court

Part One, Sections 1-11

1. Contact/General Information

A. Full legal name and any former names.

Leanna Kay Weissmann (married name since 6/26/93)

Leanna Kay Rector (maiden name)

B. State the full name (use initials for minor children), age, and relationship of each person residing in your household. For each adult living in the household (other than yourself), also state the person's occupation and employer.

Husband

Robert Charles Weissmann, age 46, (D.O.B. 3/26/69)

Director of Engineering for Matthews - Aurora Funeral Solutions

Children

A.K.W., age 16 (D.O.B. 3/4/99), son;

C.J.W., age 16 (D.O.B. 3/4/99), son;

L.K.W., age 14 (D.O.B. 2/21/01), daughter.

C. Business address, email, and telephone number.

P.O. Box 3704
Lawrenceburg, IN 47025

attorneylw@embarqmail.com

812-926-2097

D. Attorney number.

18214-49

E. Month and year you were admitted to the Indiana Bar.

Admitted October 1994

a. Indicate current law license status, i.e. active/inactive/retired.

active

b. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide date(s) of admission and current license status.

n/a

F. Date and place of birth.

October 12, 1969, Aurora, Indiana (Dearborn County)

G. County of current residence and date you first became a resident.

Dearborn County. 10/12/69

2. Secondary Education/Military Experience

A. List all undergraduate colleges and universities you attended. Include the school name; dates enrolled; degree or certificate earned; and any academic honors, awards, or scholarships you received and when.

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree</u>
Indiana University	August 1987-May 1991	BA: Journalism and English
<u>Scholarships</u>		<u>Received</u>
IU alumni scholarship		August 1987
Louis B. Edwards Award of excellence in Journalism		October 1988

B. Include with your original application a certified transcript from each school named in Subsection 2A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

Certified transcript is attached as Exhibit A.

- C. If applicable, list any military service. Include the name of the military branch; dates of service; last rank achieved; and any honors, awards, or commendations received and when. Attach a copy of your Certificate of Release or Discharge from active duty ("DD 214" paperwork).

n/a

3. Post-Secondary Education

- A. List all law schools, graduate schools, and post-J.D. programs attended. Include the school name; dates enrolled; degree or certificate earned; class rank; and any academic honors, awards, or scholarships you received and when.

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree/Class Rank</u>
Indiana University School of Law Indianapolis	August 1991-May 1994	JD 32/233 cum laude

Include with your original application a certified transcript from each school named in Subsection 3A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

Certified transcript is attached as Exhibit A.

4. Employment

- A. Provide your employment history since graduation from college. Include name of employer, titles or positions, locations, and dates of employment.

May 1989-August 1991

Register Publications, Lawrenceburg, Indiana

Reporter.

Wrote news articles and a weekly humor column.

May 1992-September 1992

Michael Bishop, Attorney at Law, Indianapolis, IN 46240

Law clerk

Reviewed discovery and drafted motions.

May 1993-January 1994

Curtis Dickinson, Attorney at Law, Carmel, Indiana

Law clerk

Drafted motions and assisted attorney with discovery responses.

April 1994 - August 1995

Hon. Robert D. Rucker - Indiana Supreme Court Justice

Law Clerk (during his tenure on Indiana Court of Appeals).

Prepared draft opinions and oral argument bench briefs.

July 2000-December 2008

Hon. G. Michael Witte - Judge of Dearborn Superior #1

Judicial Referee, February 2000 - December 2008

Heard small claims cases and sat in for judge in his absence.

January 2013-present

Ivy Tech Community College, Lawrenceburg, Indiana

Adjunct professor.

Teach criminal evidence; criminal research; and criminal procedure.

August 1995-present

Weissmann Law Offices, Lawrenceburg, Indiana

Solo Practitioner.

Brief cases for pauper criminal clients and take private civil appeals involving dissolution of marriage, business disputes and real estate matters.

B. If applicable, describe the nature and extent of your practice of law (present and former), and provide the names of your partners, associates, office mates, and employers.

From 1995 until 1999, I shared office space with attorney Lane Siekman in Rising Sun, Indiana. I operated a general practice firm taking a variety of cases such as bankruptcy, divorce, criminal defense and real estate matters.

Beginning in 1999 and continuing through present, I operate as a solo practitioner, primarily writing indigent criminal appeals and accepting civil cases from the private sector.

5. Trial/Judicial Experience

A. Describe the extent of your jury trial experience, if any.

During my years as Ohio County public defender (1996-1998), I tried three criminal cases, two misdemeanors and a felony.

B. Describe the extent of your bench trial experience, if any.

I have never been a sitting judge. However, I did serve for eight years as a referee for the Dearborn Superior Court, hearing small claims cases and advising defendants of their rights during initial hearings. Small claims work is particularly challenging as it involves complicated legal issues with unrepresented litigants requiring the judicial officer to sort through the emotional rhetoric to determine the proper legal resolution.

C. If applicable, describe the nature and extent of your judicial experience (including as a judge pro tempore). Include a description of your experience presiding over jury trials, if any.

I served as judicial referee for Dearborn Superior #1, July 2000-December 2006, hearing a broad range of cases including civil small claims trials, protective orders, and criminal arraignments.

6. Professional Experience

Include as writing samples, four selections (in total) from the written materials listed below in Subsections 6A – 6C.

Appendix B contains samples from petitions, motions, and briefs I have prepared.

SAMPLE #1

Transfer Petition
James E. Pugh v. State
Appellate Cause No. 15A04-1503-CR-131
Filed December 19, 2015

SAMPLE #2

Brief of Appellant *Hrezo Engineering Inc. Et. Al.*
Appellate Cause No. 15A01-0907-CV-338
Filed November 13, 2009

SAMPLE #3

Brief of Defendant
William Bowman v. State
Appellate Cause No. 21A04-1404-CR-180
Filed November 24, 2014

SAMPLE #4

Brief of Appellee City of Rising Sun, Indiana
Appellate Cause No. 58A01-1112-PL-616
Filed June 10, 2011

A. If applicable, list up to five trial or appellate briefs and/or judicial opinions you have written. Refer to them by caption, case number, and filing date.

1. *Willingham v. State*

Brief of Appellant
15A05-1507-CR-1029
Filed January 14, 2016

2. *In Re the Termination of Parental Rights of R.S. et al*

Brief of Appellant Father, R.S.
21A01-1505-JT-337
Filed September 23, 2015

3. *Kreimer v. Kreimer*

Reply Brief of Lisa Kreimer
29A04-1412-DR-00595
Filed June 2, 2015

4. Andrew Conley v. State

Brief of Appellant Andrew Conley
58S00-1011-CR-634
Filed June 10, 2011

5. D.M. v. H.H.

Brief of Appellant D.M.
81A01-1507-PO-00922
Filed November 9, 2015

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, date, and subject matter.**

Although I have never contributed directly to the drafting of a court rule, my work in *Louallen v. State*, 778 N.E.2d 794 (Ind. 2002) led to a revision in the Indiana pattern jury instructions.

Additionally, my work in *Tyler v. State*, 903 N.E.2d 462 (Ind. 2009) created a new application of the protected person's statute.

In *Gallagher v. State*, 925 N.E.2d 350 (Ind. 2010), the Supreme Court held a combined oral argument with *Griffin v. State*, 925 N.E.2d 344 (Ind. 2010). During rebuttal for Gallagher, I posited to the Court a definition of "briefly" as it related to school zone enhancements. In its opinion in *Griffin*, the Supreme Court adopted much of my proposal.

More recently in *In Re: O.R.*, 16 N.E.3d 965 (Ind. 2014) I argued for leniency for the untimely filing of an appeal in a parental rights termination case. This resulted in the Indiana Supreme Court articulating new guidelines for timely appeals.

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.**

n/a

- D. Identify the five most significant legal matters entrusted to you, whether as a judge or lawyer, and describe why you believe them to be so.**

1. Tyler v. State (69S04-0801-CR-3)

This case ultimately redefined the role of the protected person statute in criminal cases. During briefing, I raised the unfairness of allowing the State to present both videotaped testimony and live testimony from the same victim. Repeating the same evidence unfairly emphasizes that witness's testimony.

My ability to recognize this novel issue and to argue it successfully shows I have the legal acumen to thrive in this job. I list this case as one of my most significant legal matters due to its long-reaching impact in ensuring fair trials in Indiana.

2. *William Bowman v. State* (21S04-1510-CR-604)

This case also shows my ability to reason through tough legal issues. After convincing the Indiana Court of Appeals to reverse Mr. Bowman's conviction, the case moved into the Indiana Supreme Court. During oral argument, I posited appropriate guidelines for determining what evidence is enough to identify drugs like heroin which have been seized by police but never chemically tested. Specifically, I proposed the following three-part test.

- 1) Is the drug at issue one that can be reliably identified by sight and smell by someone with adequate experience?
- 2) Did the defendant identify the drug?
- 3) Does reliable circumstantial evidence surrounding defendant's possession/packaging or use of substance support the drug's identity?

I include this case as one of significance because it should provide clarification for prosecutors and defense attorneys statewide.

3. Indiana Supreme Court Disciplinary Commission

Since 2013, I have served as a commissioner on the Indiana Supreme Court disciplinary commission. Working with eight other commissioners allows me to build consensus among my colleagues which is a critical skill for a justice on the Indiana Supreme Court.

I include this work as the most significant legal matters entrusted to me because allegations of attorney misconduct impact an attorney's future and must be handled carefully to ensure continuing public trust of those engaged in our profession.

4. *Andrew Conley v. State* (58S00-1011-CR-634)

In 2012, I represented a mentally ill teenager sentenced to life imprisonment. This case created a media frenzy, requiring me to adeptly handle the press. A week prior to oral argument, the United States Supreme Court granted certiorari in *Miller v. Alabama*, 132 S.Ct. 2455 (2012) – a case which would later uphold the constitutionality of capital punishment for juvenile offenders. I handled the media while simultaneously rebriefing the case to add in this new development.

Additionally because this young man's crime made him unpopular and unsympathetic, I was placed in a unique position to explain to laypersons the vital role our courts play in society. This allowed me the rewarding opportunity of sharing my love of our justice system by educating the public on why our system works so well.

I include this case because it shows I can handle difficult cases and withstand scrutiny.

5. *James Ripps v. State* (15A01-1109-CR-436)

Even though this case only involved a probation violation, I convinced the Court that the unique fact situation allowed unusual relief.

In 2012, a court revoked Mr. Ripps' probation and placed him back in prison because his assisted living facility where he received nursing care for terminal prostate cancer was twenty feet too close to a public library. As a sex offender, Mr. Ripps could not live within one thousand feet of a place where children might congregate. After being accused of this violation, Mr. Ripps began the process of moving.

Presenting oral argument for Ripps, I argued that the trial court abused its discretion in removing a man from a nursing home to place him in prison. After oral argument, the Court of Appeals issued an unprecedented order whereby the Court released Ripps immediately with the written opinion coming weeks later.

This is one of the most important matters entrusted to me because it demonstrates my commitment to justice in difficult circumstances.

7. Efforts to Improve the Legal System, Administration of Justice, or Society

- A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice. Include a description of any management or leadership roles you undertook to achieve these goals, and describe any specific instances in which your collaborative efforts helped achieve these goals.**

I created and presented two different curriculum to school-aged children (kindergarten through high school) for Constitution day.

This is a project I undertook when I saw a need for such education in my children's school. In one interactive presentation, I made up a game show featuring Constitutional trivia. For the younger children, I researched interesting facts about the signers of the Constitution and allowed volunteers to become the signers by introducing themselves to the crowd and signing a pretend Constitution.

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.**

Recently, I started a Women's Empowered group designed to reach women suffering from poverty, familial incarceration, illness and drug addiction. The group meets weekly.

- C. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) to improve your local, state, or national community through charitable work or public service. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.**

In 1993, I became a certified literacy tutor. For the next two years, I worked with an elderly gentleman teaching him to read and balance a checkbook.

From 2006-2014, I created and ran children's youth outreach services through First Baptist Church and Oasis church. These eight week programs served 12-30 young people at time and often culminated in a service project. For instance in 2012, I coordinated a food drive followed by preparation of a meal for the homeless.

In December 2014 and 2015, I coordinated a community-wide DIY craft festival which allowed participants to make free Christmas gifts. This year, participants created 800 free crafts. This event required coordination from multiple churches and volunteers.

From August 2012 until December 2014, I served as a Big Sister assigned to an at-risk young lady who attended Central Elementary.

I also work regularly with the Clearinghouse which is an organization providing food to needy families. For instance, in 2015 I created and undertook an Easter basket outreach whereby I worked with multiple community organizations to collect candy for low income families to use to create their own baskets for their children.

Additionally in 2007, I formed a Girl Scout troop for my daughter and I am still the co-leader. Our troop recently earned their Silver award by creating an advertising campaign to recruit foster families,

I also formed Samiesisters.com in 2010 as a Christian outreach for tween girls. The goal of this ministry is to help young women become strong in faith before reaching the critical teenage years. This ministry has reached over 5000 young women.

D. Describe the nature and extent of any pro bono legal services you have contributed.

The majority of my practice involves representation of indigent clients who are sentenced to long prison sentences leaving behind families struggling with disability, finances, and other legal matters. I consistently assist these families by providing legal advice to help them navigate the prison system and to assist them with other legal needs. I do this weekly and annually spend about 25-30 hours rendering free legal advice.

E. Indicate your experience teaching law. Provide the dates, names of institutions or programs, and a description of the subject matter taught.

January 2013-present

Ivy Tech Community College

Adjunct professor.

Teach criminal evidence, criminal procedure and legal research.

8. Memberships and Other Activities

A. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Dearborn Ladies Investment Club, LLP, 1996-2005. This partnership included ten women who combined their knowledge to invest in stocks. The partnership dissolved in 2005.

Indiana State Bar Association, member since 1995.

Indiana State Disciplinary Commissioner, appointed by the Indiana Supreme Court to serve as a commissioner in July 2014.

B. List any memberships and offices you have held in civic, charitable, or service organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

2014-present, Director of Outreach Ministry, Oasis church.

2006-2008, appointed by Gov. Mitch Daniels to serve on the Criminal Justice Institute.

C. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Girl Scouts of America.

D. Describe your hobbies and other leisure activities.

I am an AFAA certified aerobics instructor and teach free aerobic classes in my community. I enjoy running and recently finished the Florence Freedom Half Marathon to help raise money for veterans. I also enjoy reading, writing and spending time with my teenagers.

9. Legal Proceedings

A. List any lawsuits or legal proceedings in any jurisdiction, including but not limited to bankruptcies, dissolutions, and criminal matters to which you have been a party. Provide dates, case numbers, courts, names of other parties, and, if needed, a brief explanation. (If minor children are involved [i.e. an adoption], use initials only.)

n/a

B. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

n/a

- C. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number (if applicable), and describe the circumstances and the nature of the outcome or resolution.

n/a

- D. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

n/a

10. References

- A. Provide the names of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court (contact information to be included in Part Two of this application).

- 1) Robert Ewbank
- 2) Michael Witte
- 3) Aaron Negangard

- B. Provide the names of three professional references other than those listed in Subsection 10A (contact information to be included in Part Two of this application).

- 1) Hon. Robert D. Rucker
- 2) Hon. John Baker
- 3) Hon. James Humphrey

- C. Provide the names of three personal references other than those listed in Subsection 10A or 10B (contact information to be included in Part Two of this application).

- 1) Carolyn Beach
- 2) Justin Billig

3) Mary Jo Sloan

11. State Police Release Form and Photograph

- A. **Complete a State Police release form printed on green paper (you may obtain the release form by contacting the Nominating Commission Office at 317-232-4706). Include the release form with the original application only and not with the copies.**
- B. **Attach a recent photograph of you to the front of the original application and to each copy of your application. (This allows the Commission members to put a face with a name if you are interviewed in person.)**

1/21/16

/s/ Leanna Kay Weissmann

Date

Applicant Signature

Leanna Kay Weissmann

Printed Name